

DOCKET NO: 204684US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

H12

IN RE APPLICATION OF :
MUNETOSHI MORIICHI, ET AL. : EXAMINER: GRAINGER, QUANA
MASHELL
SERIAL NO: 09/761,961 :
FILED: JANUARY 17, 2001 : GROUP ART UNIT: 2852
FOR: WRITING DEVICE :

REQUEST FOR RECONSTRUCTION OF APPLICATION


COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the request by the Office of Petitions, enclosed herewith is a signed copy of the documents previously filed on July 3, 2007 along with a copy of the Date-Stamped Filing Receipt dated July 3, 2007. We respectfully request that the U.S. Patent and Trademark Office accept the attached copies from our file for reconstruction of its file so that the prosecution of this case can continue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Scott A. McKeown
Registration No. 42,866



1
SMM&N File No. 204684US6

Serial No. 09/761,961

in the matter of the Application of: Munetoshi MORIICHI, et al.

for: WRITING DEVICE

Dept.: E/M

By: BDL/maj/

Due Date: July 4, 2007

The following has been received in the U.S. Patent Office on the date stamped here:

- Dep. Acct. Order Form
- PTO Cover Letter
- Response to Notice Under 37 CFR 1.251 (Abandoned Application)
- Notice Under 37 CFR 1.251 (Copy)
- List of Communications Submitted for Reconstruction of USPTO's File
- Copies of Communications between USPTO and Applicants (Labeled A-M)

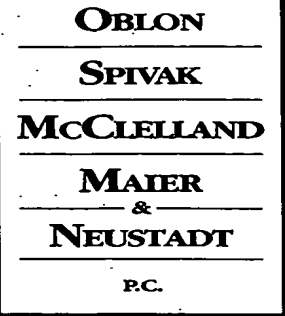


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Docket No.: 204684US6

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/761,961
Applicants: Munetoshi MORIICHI, et al.
Filing Date: January 17, 2001
For: WRITING DEVICE
Group Art Unit: 2653
Examiner: Paul W. Huber

SIR:


Attached hereto for filing are the following papers:

**RESPONSE TO NOTICE UNDER 37 CFR 1.251 (ABANDONED APPLICATION)
NOTICE UNDER 37 CFR 1.251 (ABANDONED APPLICATION)(COPY)
LIST OF COMMUNICATIONS SUBMITTED / RECONSTRUCTION
COPIES OF COMMUNICATIONS BETWEEN USPTO AND APPLICANT (LABELED A-M)**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Bradley D. Lytle

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Scott A. McKeown
Registration No. 42,333

DOCKET NO.: 204684US6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2653

Munetoshi MORIICHI, et al.

SERIAL NO: 09/761,961

EXAMINER: Paul W. Huber

FILED: January 17, 2001

FOR: WRITING DEVICE

RESPONSE TO NOTICE UNDER 37 CFR 1.251 (ABANDONED APPLICATION)

Mail Stop RECONSTRUCTION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the response to the Notice Under 37 CFR 1.251 issued on April 4, 2007, Applicants submit herewith a copy of all communications between the Applicants and the U.S. Patent and Trademark Office, as well as a listing of each document through the date of filing the present response.

The copies submitted are a complete and accurate copy of Applicants' record as maintained by Applicants' representatives.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



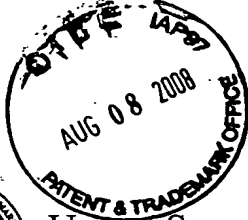
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(OSMMN 04/07)

Scott A. McKeown
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,961	01/17/2001	Munetoshi Moriichi	204684US6	5888
22850 7590 04/04/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HUBER, PAUL W	
			ART UNIT	PAPER NUMBER
			2653	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/04/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/04/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

RECEIVED: 4907
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.
DOCKETING DEPT
Initials/Date Docketed: LSL 4/9/07
Type of Resp(s): Response to 4/1/251
Due Date(s): 7-4-07



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Abandoned Application

☒ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

☒ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

Mail Stop RECONSTRUCTION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Eileen Green
(703) 571-2722/2993



Day : Wednesday

Date: 4/4/2007

Time: 16:52:46

PALM INTRANET

Content Information for 09/761961

Search Another: Application# or Patent#

PCT / / or PG PUBS #

Attorney Docket #

Bar Code #

Appln Info	Contents	Petition Info	Atty/Agent Info	Continuity/Reexam	Foreign Data
Date	Status	Code	Description		
04/04/2007		M2511	MAIL RECONSTRUCTION NOTICE - ABANDONED APP		
04/02/2007		2511	RECONSTRUCTION NOTICE UNDER 37 CFR 1.251 - AB		
11/16/2004		PET.	PETITION ENTERED		
09/29/2005		LFRECON	RECONSTRUCTION OF FILE - BEGIN		
11/16/2004		C602	OATH OR DECLARATION FILED (INCLUDING SUPPLE)		
08/10/2005		LFLOST	FILE MARKED LOST		
03/04/2005		IFEE	ISSUE FEE PAYMENT RECEIVED		
10/30/2002		MABN6	MAIL ABANDONMENT FOR FAILURE TO PAY ISSUE F		
10/30/2002	164	ABN6	ABANDONMENT FOR FAILURE TO PAY ISSUE FEE		
01/17/2001		DRWF	WORKFLOW - DRAWINGS FINISHED		
01/17/2001		DRWM	WORKFLOW - DRAWINGS MATCHED WITH FILE AT C		
07/24/2002		R1021	RECEIPT INTO PUBS		
06/26/2002		SENT	WORKFLOW - FILE SENT TO CONTRACTOR		
06/26/2002	93	R1021	RECEIPT INTO PUBS		
06/25/2002		D1220	DISPATCH TO PUBLICATIONS		
06/24/2002	92	MN/=.	MAIL NOTICE OF ALLOWANCE		
06/21/2002	90	N/=.	NOTICE OF ALLOWANCE DATA VERIFICATION COMP		
06/21/2002	89	CNTA	NOTICE OF ALLOWABILITY		
01/24/2002		DOCK	CASE DOCKETED TO EXAMINER IN GAU		
01/24/2002		DOCK	CASE DOCKETED TO EXAMINER IN GAU		
01/17/2001		RQPR	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS		
08/31/2001	30	DOCK	CASE DOCKETED TO EXAMINER IN GAU		
07/30/2001		TR.Q	TRANSFER INQUIRY		
07/06/2001	20	OIPE	APPLICATION DISPATCHED FROM OIPE		
02/28/2001		COMP	APPLICATION IS NOW COMPLETE		

02/28/2001		INCD	NOTICE MAILED--APPLICATION INCOMPLETE--FILING
02/28/2001		CAD	CORRESPONDENCE ADDRESS CHANGE
02/06/2001		SCAN	IFW SCAN & PACR AUTO SECURITY REVIEW
01/17/2001	19	IEXX	INITIAL EXAM TEAM NN

[Appln Info](#)[Contents](#)[Petition Info](#)[Atty/Agent Info](#)[Continuity/Reexam](#)[Foreign Data](#)

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Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)

DOCKET NO: 204684US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

MUNETOSHI MORIICHI, ET AL. : EXAMINER: PAUL W. HUBER

SERIAL NO: 09/761,961 :

FILED: JANUARY 17, 2001 : GROUP ART UNIT: 2653

FOR: WRITING DEVICE :

LIST OF COMMUNICATIONS SUBMITTED FOR
RECONSTRUCTION OF USPTO'S FILE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

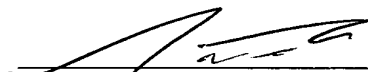
SIR:

1. Petition for Withdrawal of Holding of Abandonment (filed March 4, 2005)
 - Cover Letter
 - Appendices A-G
 - Applicants' Stamped Filing Receipt
2. Letter (filed by facsimile on November 16, 2004)
 - Transmittal Cover
 - Appendices A-F
 - Copy of Facsimile Confirmation from USPTO
3. Letter (filed by facsimile on September 29, 2004)
 - Appendices A-F
 - Copy of Facsimile Confirmation
4. Copy of Documents re-submitted on August 25, 2004
 - Includes documents filed on December 27, 2002
5. Request for Withdrawal of Holding of Abandonment (Filed December 27, 2002)
 - Copy of Notice of Abandonment (October 30, 2002)
 - Copy of Computer Mail Log Printout (June 24, 2002 through July 8, 2002)
 - Copy of Hard Copy from Computer Docketing System
 - Cover Letter
 - Applicants' Filing Receipt (date-stamped December 27, 2002)

6. Copy of Documents filed on December 27, 2002 (resubmitted by facsimile on January 23, 2004)
 - Facsimile Confirmation of January 23, 2004)
7. Second Status Request – First Office Action (filed July 30, 2003)
 - Applicants' date-stamped filing receipt
8. Information Disclosure Statement (filed May 14, 2003)
 - Chinese Office Action (English Translation)
 - PTO-1449
 - Applicants' date-stamped filing receipt
9. Status Request (filed December 16, 2002)
10. Request for Withdrawal of Holding of Abandonment (filed December 27, 2002)
 - Copy of Notice of Abandonment dated October 30, 2002
 - Copy of Computer Log Printout (June 24, 2002 through July 8, 2002)
 - Copy of Hard Copy from Computer Docketing System
 - Cover Letter
 - Applicants' date-stamped filing receipt
11. Notice of Recordation of Assignment (from USPTO, dated May 25, 2001)
 - Assignment
 - PTO Form 1595
 - Applicants' date-stamped filing receipt
12. Petition for Extension of Time (1 Month)
 - Notice to File Missing Parts (copy)
 - Filing of Declaration
 - Declaration
 - Applicants' date-stamped filing receipt
13. Notice to File Missing Parts (received from USPTO, dated February 28, 2001)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Scott A. McKee
Registration No. 42,886



PTO-2054-B (Rev. 10/03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:

09/764,941

Application No.:

Filing Date:

Title:

Direct to:

Mail Stop RECONSTRUCTION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 - Abandoned Application

Statement (check the appropriate box):

- ☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.
- ☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).
- ☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.
- ☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date

Signature

Typed or printed name

A copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 7034132220

Fax Information

Date Received:

11/16/2004 5:09:19 PM [Eastern Standard Time]

Total Pages:

52 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

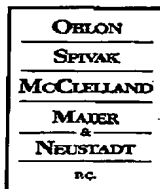
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611 F.L.R. WEC. & ELEC.

VO. 639 P. 1



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(703) 413-3000
(703) 413-2220 FACSIMILE
OBLONPAT@OBLONLAW.COM
WWW.OBLON.COM

FACSIMILE

PLEASE CALL US AT (703) 413-3000 IF THE MESSAGE YOU RECEIVE IS INCOMPLETE OR NOT LEGIBLE

I hereby certify that this correspondence is being facsimile transmitted to:

Commissioner for Patents
Alexandria, VA 22313-1450
(703) 872-9308

on Date: 11/16/04

Signature:
Bradley D. Lytle

Total number of pages including this page: 51

OSMM&N File No. 204684US6

Serial No. 09761261

In the matter of the Application of: Motoshi MORIUCHI, et al.

For: WRITING DEVICE

Dept: EM
By: BDL/afg

Due Date: N/A

- ☐ Dep. Acc. Order Form
- ☐ Transmittal Cover
- ☐ Letter
- ☐ Appendices A-F

Dock update
cc B. Lytle

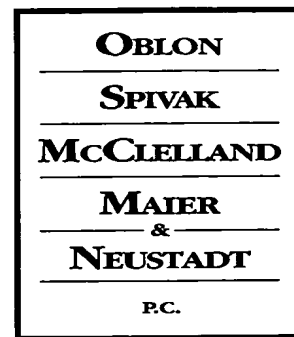
RECEIVED

NOV 16 2004

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

J

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our expense. Thank You.



ATTORNEYS AT LAW

Docket No.: 204684US6

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/761,961
Applicants: Munetoshi MORIICHI, et al.
Filing Date: January 17, 2001
For: WRITING DEVICE
Group Art Unit: 2653
Examiner: HUBER, P.

SIR:

Attached hereto for filing are the following papers:

**LETTER
APPENDICES A-F**

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

Registration No. 40,073

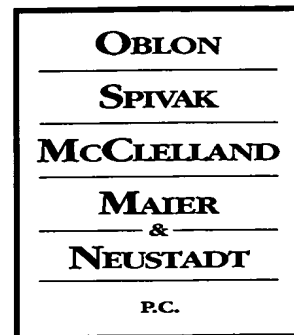
Customer Number

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(703) 413-3000 (phone)
(703) 413-2220 (fax)

Docket No.: 204684US6

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/761,961
Applicants: Munetoshi MORIICHI, et al.
Filing Date: January 17, 2001
For: WRITING DEVICE
Group Art Unit: 2653
Examiner: HUBER, P.

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LETTER
APPENDICES A-F

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OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

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DOCKET NO: 204684US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MUNETOSHI MORIICHI, ET AL. : EXAMINER: HUBER, P.
SERIAL NO: 09/761,961 :
FILED: JANUARY 17, 2001 : GROUP ART UNIT: 2653
FOR: WRITING DEVICE :

LETTER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This Letter is in response to a telephone conversation of September 23, 2004 between Deborah Drake of our firm who is secretary to the undersigned and Examiner Paul Huber. The above-identified patent application has gone abandoned by alleged failure to pay the Issue Fee due on September 24, 2002. As discussed, the relevant facts appear to be as follows:

1. A Notice to Filing Missing Parts was mailed on February 28, 2001 to Charles P. Sammut, the previous attorney handling this application. The Declaration, executed by the Inventors, was filed on May 25, 2001 in the United States Patent and Trademark Office indicating that the appointed attorneys for Customer Number 022850 (i.e., our firm, "Oblon Spivak, McClelland, Maier & Neustadt, P.C.") were to prosecute the above-identified application on their behalf (Appendix A).

2. On December 16, 2002 (Appendix B) our firm filed a Status Request for First Office Action.

3. On December 27, 2002 (Appendix C) our firm filed a Request for Withdrawal of Abandonment Based on Failure to Receive Notice of Allowance/Allowability.

4. On July 30, 2003 (Appendix D) our firm filed a Second Status Request for First Office Action.

5. On January 9, 2004 (Appendix E) JuaNita Smith of our law firm contacted Examiner Huber by telephone regarding the Request for Withdrawal of Abandonment Based on Failure to Receive Notice of Allowance/Allowability filed on December 27, 2002. Examiner Huber advised that we should refile the Request.

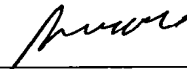
6. On January 23, 2004 the Request for Withdrawal of Abandonment Based on Failure to Receive Notice of Allowance/Allowability was faxed (Appendix F) again to the Commissioner of Patents.

At the request of Examiner Huber, the undersigned is providing this Letter and request that the file be ordered from Pubs – PTO File Maintenance Facility at Baileys X Roads. Examiner Huber indicated that he could not order the file from on line and would investigate other options to retrieve this file.

Accordingly, the Examiner is requested to contact the undersigned at 703-412-6489 regarding the retrieval of this file and the granting of the withdrawal of abandonment.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
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(OSMMN 06/04)